THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :13214 of 2005

DATED:09-10-2007

BETWEEN:

A.P.Chenetha Karmika Sangham,
(Regd.No.B-1532), Anantapur District Council,
Neelam Rajasekhara Reddy Bhavan,
Rep., by its President, Neelam Lakshmaiah.

..... PETITIONER

AND

The District Collector,
Anantapur & 4 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner; learned Government Pleader for Revenue; and the learned counsel appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in making attempts to dispossess the members of the petitioner-Sangham and demolish their respective houses constructed in the land admeasuring Ac.3.75 cents in Sy.No.110-2 situated at Rachanapalli village, Anantapur Rural Mandal, Anantapur District, pending consideration of their applications for issuance of house site pattas for their respective houses in the above land, as illegal and arbitrary.

3. It is the case of the petitioner that the members of the petitioner-Sangham are in continuous possession and enjoyment of an extent of Ac.3.75 cents in Sy.No.110-2 situated at Rachanapalli village, Anantapur Rural Mandal, Anantapur District and in fact, their applications filed for allotment of house sites are pending. It is stated that even though they are in continuous possession and enjoyment and constructed houses, permanent or temporary, without following due procedure prescribed in law, respondents have been taking steps to dispossess the members of the petitioner-Sangham. It is stated that the respondents, without following due procedure prescribed in law, threatening to demolish and forcibly dispossess the members of the petitioner-

Sangham. Hence, the present Writ Petition.

4. 3rd respondent-Mandal Revenue Officer, Anantapur District filed a counter stating that neither the petitioner nor its members are in possession of the said land of an extent of Ac.3.75 cents in Sy.No.110-2 situated at Rachanapalli village, Anantapur mandal, and in fact, the said land was assigned in favour of one China Narappa vide patta No.211 and he is in possession and enjoyment of the said property. The land in Sy.No.110 is a Government land admeasuring total extent of
Ac.7.49 cents and the said survey number was sub-divided into Sy.No.110-1, and 110-2 and the land of an extent of Ac.3.74 cents in Sy.No.110-1 was assigned in favour of one Narayana Swamy and another extent of Ac.3.75 cents in Sy.No.110-2 has been assigned in favour of Chinanarappa. It is stated that the 3rd respondent never took any steps to dispossess the petitioner, and the petitioner is not in possession and the allegations made in the Writ Petition are all false.

5. On the other hand, learned counsel appearing for the petitioner submits that the said assignees are not in possession but the members of the petitioner-Sangham and others are in possession and enjoyment of the said extent of Ac.3.74 cents. It is stated that the Sarpanch of Rachanapalli village on his letter-head, undated, certified that in
Ac.3.74 cents the Houseless Weavers Community, consisting of about 165 members, occupied the land in Sy.No.110 and erected houses.

6. I am not inclined to express any opinion with regard to the rival contentions as the disputed questions of facts cannot be

decided in the Writ Petition. I am also not inclined to express any opinion with regard to the validity, genuineness or otherwise of the said letter. The village Sarpanch does not maintain the revenue records, and he cannot decide who is in possession and therefore, it is not just and proper to this Court to consider the rival contentions.

7. Accordingly, Writ Petition is dismissed with a liberty to work out the remedies available to the petitioner or its members elsewhere. There shall be no order as to costs.

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V.ESWARAIAH,J

09th October, 2007.
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